

BOISE RIVER FLOOD CONTROL DISTRICT NO. 10

RESOLUTION 02-2006

FOR THE PURPOSE OF ADOPTING PROCEDURES FOR REVIEW AND APPROVAL OF PROPOSED PROJECTS WITHIN THE JURISDICTION OF BOISE RIVER FLOOD CONTROL DISTRICT NO. 10

WHEREAS, it has been determined by the Board members of Boise River Flood Control District No. 10 ("FCD#10") that it is in the best interest of the health, safety and welfare of the citizens of Idaho for FCD#10 to adopt a formal process for reviewing and approving proposed projects within the jurisdiction of FCD#10, and to establish appropriate fees for completion of the process.

NOW, THEREFORE, BE IT RESOLVED, that the following policies are hereby established by this Board of Directors as FCD#10 policy for review and approval of proposed projects within the jurisdiction of FCD#10:

General Information

A. Base Flood Elevation

FCD#10 will not recommend approval of any land use change that causes a rise in the base flood elevation without an approved flood mitigation plan.

B. Access

In order to accomplish its statutory duties, FCD#10 needs to maintain access to the Boise River. Increasing development in the flood plain continues to limit FCD#10's traditional river access routes. Thus, the granting of or relocation of easements shall be required unless such requirement is waived by FCD#10. The necessity and location of the easements shall be determined by the FCD#10 Board of Directors and based on the recommendation of the FCD#10's engineer ("District Engineer").

C. Flood Mitigation Plan

In the event a project requires creation of development related flood management facilities including development within the regulatory flood plain or gravel extraction ponds with a greater depth than the lowest part of the Boise River channel that may facilitate a capture of the Boise River, creation of a flood mitigation plan satisfactory to FCD#10 will be required.

D. Review and Approval Process

1. Applicant shall complete and submit the attached application form to the Secretary of FCD#10. Two (2) copies of the proposed plans and flood modeling

\$200

data and an application fee of ~~\$1,000~~ shall be submitted with the application, unless waived or otherwise reduced by the District Engineer.

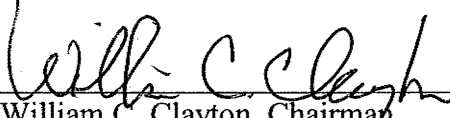
2. Upon conceptual approval of the original application, plans and specifications for construction, prepared by a registered engineer, shall be submitted for review to FCD#10. Plans and specifications shall be reviewed by the District Engineer. The developer will be notified upon completion of the review.
3. The District Engineer will then make arrangements for an appropriate Flood Management/Mitigation Agreement which will be recorded in the official real property records of the relevant county recorder's office. **The applicant shall be liable for the payment of attorney, engineering and other professional fees** associated with the review of the proposed land use change/site development, and the creation of the required agreements.
4. If the terms of a Flood Management/Mitigation Agreement can be agreed upon in concept by the applicant and the FCD#10 engineers, the Flood Management/Mitigation Agreement shall be submitted to FCD#10's Board of Directors for consideration.

BE IT FURTHER RESOLVED, that the Policy Memorandum dated April 24TH, 2006, and the Land Use Change/Site Development Application, both attached hereto as Exhibit A and incorporated herein by reference are hereby approved and adopted.

BE IT FURTHER RESOLVED, that the Secretary of FCD#10 is hereby ordered to send copies of this Resolution, the Policy Memorandum and Land Use Change/Site Development Application referenced above, to all planning and approval agencies in Ada County, Canyon County, and in the Cities of Boise, Garden City, Star, Middleton, Caldwell, Eagle, Meridian and Nampa, and to provide such agencies with sufficient copies of the Policy Memorandum and Land Use Change/Site Development Application forms for the continual administration and use thereof by all interested parties.

DATED this 12TH day of July, 2006.


APPROVED:



William C. Clayton, Chairman

Boise River Flood Control District No. 10

ATTEST:



SHEILA SEEMAN Secretary/Treasurer
Boise River Flood Control District No. 10

BOISE RIVER FLOOD CONTROL DISTRICT #10

PO Box 46
Star, Idaho 83669

MEMORANDUM

FROM: Boise River Flood Control District No. 10
TO:
DATE: April 24, 2006
RE: Procedures for Review and Approval of Proposed Projects Within the Jurisdiction of Boise River Flood Control District No. 10

This memorandum outlines procedures for Boise River Flood Control District No. 10's ("FCD 10") review and approval of proposed projects within the jurisdiction of FCD 10. FCD 10 hopes that this information will assist you in planning your current or future projects.

Steps of FCD 10's Review and Approval Process

The steps of FCD 10's review and approval process are:

- A. Submission of a Land Use Change Application, proposed plans, flood modeling data, and fee to FCD 10 by the applicant or authorized representative.
- B. Timely communication with FCD 10's engineer ("District Engineer") and review of the Land Use Change Application by the District Engineer.
- C. Upon receipt of the original application and verification of completion, plans and specifications for construction, prepared by a registered engineer, shall be submitted for review to

FCD 10. The applicant will be contacted upon completion of the initial review by the District Engineer.

D. Preparation of a Flood Management/Mitigation Agreement.

E. Submission of the Flood Management/Mitigation Agreement to FCD 10's Board of Commissioners for consideration.

The Board of Commissioners retains complete authority over the approval of the Agreement and any endorsement of the Project.

Each of these steps is explained on the following pages.

A. Land Use Change Application

The process begins with the filing of a Land Use Change Application with FCD 10.

These applications are available at FCD 10's office. A copy of the Land Use Change Application is enclosed. FCD 10's office address and telephone numbers are:

Boise River Flood Control District No. 10
~~P.O. Box 46~~ PO Box 140396
~~Star, Idaho 83669~~ Garden City, ID 83714-0396
Telephone: 208-861-2766

Filing a Land Use Change Application with plans, flood modeling data, and fee is mandatory. Any waiver or partial waiver of this requirement may be considered where appropriate. The District Engineer shall have the authority to approve any such waiver or partial waiver.

Any additional phase of a subdivision must file a Land Use Change Application unless the original filing specifically included all necessary information for future phases in the plans and the Flood Management/Mitigation Agreement.

The Land Use Change Application must always be accompanied by two (2) sets of proposed plans, flood modeling data, and the appropriate fee (~~\$1,000~~ ^{\$200}). The application fee shall be applied to costs associated with processing the application and the initial review of the application by the District Engineer and FCD#10's legal counsel, if necessary. Any costs or fees incurred by FCD#10 exceeding the ~~\$1,000~~ ^{\$200} fee shall be paid by the applicant.

FCD#10 recognizes that project development often involves many phases of planning and approval. Timely submission of complete and sufficiently detailed plans and other necessary information is critical to FCD 10's review.

Project proposals must be submitted to FCD 10's office for preliminary preparation. FCD 10 will then redirect the documentation to the District Engineer for review and response.

B. Timely Communication With District Engineer and Review of Land Use Change Application

You are encouraged to call the District Engineer prior to submitting proposed plans and flood modeling data if you have any questions regarding FCD 10 and to learn what specifications and level of detail the District Engineer will need to see when reviewing the plans and flood modeling data.

If the District Engineer finds that the proposed project will meet FCD 10's requirements, a letter of conceptual approval will be written in which other requirements may be outlined. Any such conceptual approval shall be subject to final approval of the Flood Management/Mitigation Agreement described below, unless no such agreement is necessary. In that latter instance, the District Engineer shall recommend a letter be issued by the Board.

FCD 10 submits project plans to the District Engineer for review, and the District Engineer makes recommendations to FCD 10 but has no authority to represent FCD 10's interest or position regarding any project. The District Engineer may request additional information or modification of the proposed project to conform with FCD 10 requirements.

C. Preparation of Flood Management/Mitigation Agreement

If the project receives conceptual approval, the next step is for the District Engineer to contact FCD 10's attorney, at which point the parties will commence the creation of a Flood Management/Mitigation Agreement, or if no such Agreement is necessary, issuance of an approval letter.

The purpose of the Flood Management/Mitigation Agreement is to reach agreements and understandings on issues within the scope of FCD 10's duties and responsibilities, such as: obtaining access agreements, flood facility operation and maintenance plans, developing flood mitigation plans, creating flood emergency relief funds, and the like.

The applicant will be responsible for the fees charged by the attorney for the preparation of the Flood Management/Mitigation Agreement and other necessary documents and correspondence. Legal fees depend upon the nature and complexity of the project and whether there are unresolved issues. **[Note: The FCD 10 attorney represents FCD 10. You are encouraged to seek the advice of independent counsel during the negotiation of the Flood Management/Mitigation Agreement.]**

Preparation of a Flood Management/Mitigation Agreement can be accomplished in an expeditious manner. FCD 10's attorney will send duplicate originals of the Flood Management/Mitigation Agreement and any other necessary documents (such as an easement if

deemed necessary by the District Engineer) to you for your review and signature, along with the billing statement for legal and engineering fees. Once signed, the Flood Management/Mitigation Agreement must be returned to FCD#10's attorney so that the attorney may recommend placement on the agenda for the next scheduled meeting of FCD#10's Board of Commissioners. The matter will be placed on the agenda only after payment of all legal and engineering fees.

D. Submission of Flood Management/Mitigation Agreement to FCD 10's Board of Commissioners

If the Flood Management/Mitigation Agreement is approved by the FCD#10 Board of Commissioners, one original Flood Management/Mitigation Agreement will be recorded at the county in which the project is located and the other original will be returned to FCD#10's attorney. Upon receipt, FCD#10's attorney will send you a copy of the recorded document.

General Information

The amount of time this process requires from submission of the Land Use Change Application to submission of a Flood Management/Mitigation Agreement to approval by FCD#10's Board of Commissioners depends upon the nature and extent of the project. Timely submission of clear and complete plans and flood modeling data with the Land Use Change Application and fees facilitates FCD#10's review and saves everybody time and expense. Also, use of a cashier's check or money order will expedite the process because if a personal check or business check is submitted, the check must clear the bank before the matter is placed on the agenda.

Enclosure

Land Use Change Application

BOISE RIVER FLOOD CONTROL DISTRICT NO. 10

LAND USE CHANGE/SITE DEVELOPMENT APPLICATION

\$200
Enclosures: ~~\$1,000~~ initial application fee
Two (2) sets of plans and flood modeling data

General Information:

1. _____
(Proposed Name of Subdivision or Development)

2. _____
(General Location—Section, Township, Range, County)

3. _____
(Legal Description—Attach metes and bounds description or description as recorded)

4. _____
(Current Owner of Record—Attach copy of Warranty Deed)

(Address)

5. _____ (Subdivider or Developer) _____ (email)

(Address)
(Attach Affidavit of Legal Interest indicating approval of this application if not current owner of record.)

6. _____ (Engineer) _____ (email)

(Address)

(Person to Contact)

7. Acres _____ ; No. of Lots _____ ; Number of Lots/Gross Acres _____

(Signature)

(Date)